

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10418-MEL

STEPHEN SCANLON,
Plaintiff,

v.

ANDREA J. CABRAL, individually and in
her capacity as Sheriff of Suffolk
County, SUFFOLK COUNTY, and the CITY
COUNCIL OF THE CITY OF BOSTON,
Defendants.

**ASSENTED-TO MOTION OF DEFENDANT CITY COUNCIL OF THE CITY OF BOSTON TO
ENLARGE/DEFINE TIME FOR RESPONSE TO PLAINTIFF'S MEMORADUM IN FURTHER
SUPPORT OF OPPOSITION TO MOTION TO DISMISS.**

NOW COMES the City Council of the Cit of Boston ("City Council"), Defendant in the above-entitled action, and with the assent of the Plaintiff asks that this Honorable Court set December 4, 2005, as the deadline for responding to the Plaintiff's Memorandum in Further Support of Opposition to Motion To Dismiss (Docket Item No. 15).

As grounds for its motion, the City Council states that:

1. The City Council filed a Motion To Dismiss (Docket Item No. 6), which was heard by the Court on August 5, 2004;
2. At the August 5, 2004, hearing of that Motion, the Court requested further briefing from the Plaintiff concerning arguments advanced by him relating to the constitutionality of an applicable statute;
3. The Court ordered further briefing by the Plaintiff within sixty days, and the Plaintiff subsequently sought and received an additional thirty days, with the assent of the Defendants;
4. All counsel share a recollection that the Court indicated orally that the City Council would have an opportunity to

respond to the Plaintiff's supplemental briefing, but that no timeframe for same was specified by the Court;

5. The Plaintiff has assented to the City Council making its response by December 4, 2005.
6. Allowing this motion will not prejudice any party to the action and will further the interests of justice.

WHEREFORE, the City Council respectfully requests that this Honorable Court set December 4, 2005, as the deadline for responding to the Plaintiff's Memorandum in Further Support of Opposition to Motion To Dismiss (Docket Item No. 15).

ASSENTED-TO by:

PLAINTIFF,
Stephen Scanlon

By his attorney,

/s/ David Rome
David Rome
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Respectfully submitted,

DEFENDANT, CITY COUNCIL OF
THE CITY OF BOSTON,

Merita Hopkins,
Corporation Counsel

By its attorney,

/s/ James M. Chernetsky
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